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Ex-Seqn

**PATENT**

Attorney Docket No.: A-65679-1/RMS/DHR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE # 10

*In re* application of:

PAYAN, Donald

Serial No. 09/651,150

Filed: August 30, 2000

For: **TOSO AS A TARGET FOR DRUG  
SCREENING**

Examiner: SIEW, JEFFREY

Group Art Unit: 1656

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, U.S. Patent and Trademark Office, BOX SEQUENCE, P.O. Box 2327, Arlington, VA 22202 on:

Dated: March 6, 2002

Signed: Marjorie Jost  
Marjorie Jost

STATEMENT RE: SEQUENCE LISTING

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
BOX SEQUENCE  
P.O. Box 2327  
Arlington, VA 22202

Sir:

This Statement is in response to the Office Communication and Notice to Comply with Requirements for Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures mailed January 30, 2002 (Paper No. 8) and the Office Communication and Notice to Comply with Requirements for Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures mailed September 26, 2001 (Paper No. 6). A copy of each Notice is enclosed herewith. This Statement is accompanied by a Petition for Extension of Time and the Requisite Fee, making this a timely response. While applicants believe that

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**Serial No.:** 09/651,150  
**Filed:** August 30, 2000

no further fees are due at this time, the commissioner is hereby authorized to charge any fee that may be required, including any extension fee, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65679-1/RMS/DHR).

This Statement is accompanied by a floppy disk containing the above named sequence, SEQUENCE ID NUMBERS 1-35, in computer readable form. A paper copy of the sequence information was filed on January 4, 2002. The computer readable sequence listing was prepared through use of the software program "Patent-In" provided by the PTO. The information contained in the computer readable disk is identical to that of the paper copy. Applicant submits that this Statement, the Preliminary Amendment filed on January 4, 2002, the accompanying computer readable sequence listing, and the paper copy thereof serve to place this application in a condition of adherence to the rules 37 C.F.R. § 1.821-1.825.

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: 3/5/02

Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989

  
Robin M. Silva, Reg. No. 38,304



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/651,150	01/30/2002	Donald Payan	A-65679-1/RMS/DHR	2755

7590

01/30/2002

Flehr Hohbach Test Albritton & Herbert LLP  
4 Embarcadero  
Suite 3400  
San Francisco, CA 94111

EXAMINER

SIEW, JEFFREY

ART UNIT

PAPER NUMBER

1656

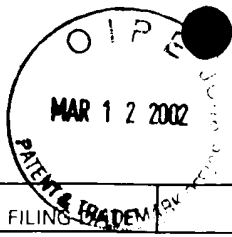
DATE MAILED: 01/30/2002

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Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

The communication filed on 1/4/02 is not fully responsive to the communication mailed XXXX for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

If a complete response has not been submitted by the time the shortened statutory period for response set in the communication mailed has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner Jeffrey Siew, Art Unit 1656, whose telephone number is 703-305-3886.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

*Jeffrey Siew*  
1/30/02

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

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**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

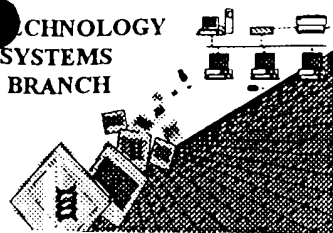
**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

Siew



1600 RUSH

BIOTECHNOLOGY  
SYSTEMS  
BRANCH



## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/651/150  
Filing Date: 8/30/2009  
Date Processed by STIC: 1/22/2002

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STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)

Blank (no files on CRF) (see attached)

Empty file (filename present, but no bytes in file) (see attached)

Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.

Not saved in ASCII text

Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

Did not contain a Sequence Listing. (see attached sample)

Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

→ Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio (<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

3. Hand Carry directly to:

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

Or

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,  
2011 South Clark Place, Arlington, VA 22202

4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

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**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

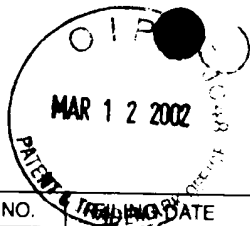
**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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NOT RECORDED IN THE OFFICE OF THE COMMISSIONER

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.
2. Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Siew whose telephone number is (703)305-3886. The examiner can normally be reached on Monday-Thursday from 7:30-5:00 pm (Eastern Time) and 7:30-4:00 PM every other Friday.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached at (703)308-1152. The FAX phone number for group 1600 is (703)308-4242.  
An inquiry of a general nature or relating to the status of the application should be directed to the group receptionist whose telephone number is (703)308-0196.

*Jeffrey Siew*  
9/24/01

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

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For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

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2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

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